IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22/09/2004

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THE HONOURABLE MR.JUSTICE V.KANAGARAJ

WRIT PETITION NO.14669 OF 1997

C.Rathinam .. Petitioner

-Vs-

The Assistant Director of
Employment & Training,
Mettupalayam Road,
Coimbatore. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus as stated therein.

For petitioner : Mr.A.Chandrasekar

For respondents : Mrs.T.Kokilavani
Govt. Advocate on behalf of
Mr.R.Chandrasekaran.

:O R D E R

The above Writ Petition has been filed by the petitioner praying to issue a Writ of Mandamus directing the respondent to sponsor the name of the petitioner for vacancies of teachers treating the registration of the petitioner bearing No.W/2575/75 dated 24.5.75 as valid.

2. The case of the petitioner is that she is a qualified B.A.B.Ed. graduate History teacher and she is eligible to be appointed as a graduate teacher in the aided private schools as well as Government schools; that she has registered her name in the respondent Employment Exchange as early as in the year 1975 and her registration No. is W/257 5/75 dated 24.5.1975; that she has been renewing the registration regularly till 1983.

3. The further case of the petitioner is that since she was fell ill in May 1983, she was not able to renew the registration in time, however, immediately after a period of four months she submitted her application for renewal on 26.9.1983; that instead of renewing her registration the respondent issued a fresh registration card with registration No.W/8835/83 dated 26.9.1983; that she is under impression that her name would be sponsored for any future vacancies treating her earlier registration of the year 1975 as

valid one since the same was not cancelled, but the respondent has not chosen to sponsor her name; that on the contrary, considered the names of individuals who have registered themselves subsequent to 1975; that in fact when a notification was published on 5.9.1997 by the Teachers Recruitment Board to the effect that applications are invited from candidates of various faculties including History subjects for which the cut-off date of registration was prior to 21.9.1981, the respondent has not chosen to sponsor her name; that due to the action of the respondent, she lost her employment opportunities all these years. In such circumstances, the petitioner has come forward to file this writ petition praying for the relief extracted supra.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent as well and the materials placed on record have also been perused.

5. During arguments, the learned counsel for the petitioner would reiterate the facts pleaded in the petition and hence this Court is of the view that repeating the same would be a time consuming affair.

6. The learned Government Advocate besides filing the counter would further argue that admittedly the petitioner has registered her name on 24.5.1975 under Regn.No.W/2575/75, but subsequently, she has not renewed her registration properly and hence registration was transferred to Dead Register during June 1983 for want of renewal; that it is the duty of the candidate to renew her registration in time and in failure to renew the registration will lead to cancellation of the registration; that this fact is informed to the candidates at the time of their registration and also it is written in the identity cards issued to the candidates after registration; that once a candidate fails to renew the registration, the registration is lapsed and no intimation to this effect is sent to the candidates.

7. The learned Government Advocate would further submit that since the petitioner had failed to renew her earlier registration in time, she was re-registered again under Regn.No.W/8835/83 on 26.9.1983, for which she did not have raised any objection; that she had once again failed to renew, her registration, her registration card was transferred to Dead Register during October 1984, for which she once again re-registered on 5.9.1986 under Regn.No.W/7043/86 after a lapse of two years.

8. The learned Government Advocate would further submit that since the petitioner has renewed the registration continuously from 1986, on 29.1.1990 her name was sponsored to Sri Kannika Parameswari Higher Secondary School, Udumalpet for the post of B.Ed., Teacher, but she was not selected by the Employer; that the reasons for not sponsoring her name to the vacancies of B.T. Assistant notified by Teachers Recruitment Board, Chennai are that (1) the petitioner has crossed the age limit of 35 years fixed for the post; (2) that though there is no age limit for SC,ST,BC and MBC candidates, she has been classified only as OC candidate since she has not produced any communicate certificate entitling her for classification as a B.C. Candidate; (3) Candidates have been sponsored against B.T. Assistant (History) vacancies

only up to 11.9.1981, seniority of registration under OC candidates, but her registration is only with effects form 5.9.1986 and hence she could not be sponsored; that the petitioner is not eligible to be sponsored based on her 24.5.1975 seniority of registration since she failed to renew the same properly; that her name will be sponsored in future as per age, qualification and seniority. On such arguments, he would pray for dismissal of the above Writ Petition.

9. In consideration of the facts pleaded, having regard to the materials placed on record and upon hearing the learned counsel for both, this Court is able to assess that it is very clear from the above facts that it is the duty of the petitioner to renew her registration in time and in failure to renew, the registration will lead to cancellation. Since there is failure on the part of the petitioner not only once but twice in renewing the registration properly, as a result of which her original registration of the year 1975 was transferred to the Dead Register twice i.e. in June 1983 and October 1984 and when she approached the respondent, a fresh registration was effected 26.9.1983 and on 5.9.1986. Considering the fact that it is the failure of only the petitioner for not renewing the registration in time, the respondent was not responsible for not sponsoring her name as sought for in this writ petition and hence, this Court is of the view that this writ petition does not merit acceptance and it becomes only liable to be dismissed and hence the following order:

In result,
(i) for the foregoing reasons assigned, this writ petition does not merit acceptance and is dismissed as such;
(ii) however, in the circumstances of the case, there will be no order as to costs.

Index:Yes
Internet:Yes

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To
The Assistant Director of
Employment & Training,
Mettupalayam Road,Coimbatore.